



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Commissioner for Patents, P.O. Box 1450
Alexandria, VA 22313-1450
Mail-Stop: Missing Parts

On October 20, 2004

By *Diane D. Dunn*
Diane D. Dunn

Attorney Docket No. 201us622

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Torben Halkier, et al.

Application No.: 10/756,813

Filed: January 12, 2004

For: **A Method for Preparing
Modified Polypeptides**

Examiner: Unassigned

Art Unit: Unassigned

**TRANSMITTAL LETTER - RESPONSE
TO NOTICE OF MISSING PARTS**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Mail-Stop: Missing Parts

Sir:

Pursuant to the "Notice to File Missing Parts of Nonprovisional Application" dated September 16, 2004, enclosed are the following to be made of record in the above-identified application:

1. Transmittal Letter;
2. Fee Transmittal Sheet;
3. Copy of Notice of Missing Parts of Nonprovisional Application;
4. Petition Under 37 CFR § 1.53(e) (with copies of pages 74 and 75 of specification);
5. Request to Use Computer Readable Form of Sequence Listing from Another Application Pursuant to 37 CFR §1.821(e);
6. Statement Accompanying Sequence Listing in Accordance with 37 §§ CFR 1.821(f) and (g);

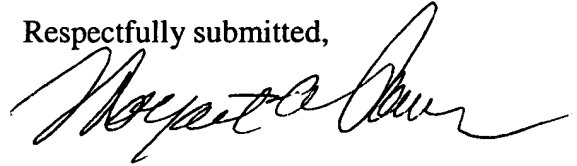
7. Supplemental Preliminary Amendment;
8. Paper Copy of Sequence Listing filed in great-grandparent application USSN 611,234;
9. Communication Regarding Copy of Executed Declaration Submitted Herewith;
10. Copy of Executed Declaration filed in great-grandparent application U.S. Patent Application Serial No. 09/611,234, filed July 6, 2000;
11. Copy of Power of Attorney or Authorization of Agent, Not Accompanying Application and Statement Under 37 C.F.R. § 3.73(b) filed in great-grandparent application USSN 611,234 (**together with copies of Assignment filed in USSN 09/611,234 and Notice of Recordation of Assignment from USSN 09/611,234 -- these documents are not for recordation**);
12. Copy of Appointment of Associate Power of Attorney filed in great-grandparent application USSN 09/611,234;
13. Copy of Power of Attorney or Authorization of Agent, Not Accompanying Application and Statement Under 37 C.F.R. § 3.73(b) filed in grandparent application USSN 10/190,414 (**together with copy of Notice of Recordation of Assignment from USSN 09/611,234 -- not for recordation**);
14. Copies of Notice of Recordation of Name Change and Recordation Form Cover Sheet, plus copies of documents evidencing name change, including Certified Translation, filed in grandparent application USSN 10/190,414 and great-grandparent application USSN 09/611,234 (**not for recordation**); and
15. Receipt indication postcard.

Please charge Deposit Account No. 50-0990 for the following fees:

(a)	Filing Fee (§ 1.16(a)) (Large Entity)	\$770.00
(b)	Excess Claims Fees (§ 1.16(b), (c)):	
	<u>24</u> - 20 = <u>4</u> x 18 =	\$ 72.00
	<u>3</u> - 3 = <u>0</u> x 84 =	\$0.00
(c)	Missing Parts Surcharge:	\$130.00
(d)	Petition fee Under 37 CFR § 1.17(h) for enclosed Petition Under 37 CFR § 1.53(e):	\$130.00
	TOTAL FEES TO BE CHARGED	\$1102.00

The Commissioner is hereby authorized to charge any additional fees associated with this paper or during the pendency of this application, or credit any overpayment, to Deposit Account No. 50-0990.

Respectfully submitted,



Margaret A. Powers
Reg. No. 39,804

Dated: October 20, 2004
Maxygen, Inc.
Intellectual Property Department
515 Galveston Drive
Redwood City, California 94063
Telephone: (650) 298-5809
Facsimile: (650) 298-5446
Customer No. 30560

FEE TRANSMITTAL

for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)**1102.00**

Complete if Known

Application Number	10/756,813
Filing Date	January 12, 2004
First Named Inventor	Torben Halkier
Examiner Name	Unassigned
Art Unit	
Attorney Docket No.	0201us622

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:Deposit Account Number
Deposit Account Name

50 - 0990

Maxygen, Inc.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 790	2001 395	Utility filing fee	770.00
1002 350	2002 175	Design filing fee	
1003 550	2003 275	Plant filing fee	
1004 790	2004 395	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$) 770.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
24	-20** = 4	X 18.00	= 72.00
Independent Claims	3	-3** = 0	X 0
Multiple Dependent			= 72.00

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 88	2201 44	Independent claims in excess of 3
1203 300	2203 150	Multiple dependent claim, if not paid
1204 88	2204 44	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)**72.00**

**or number previously paid, if greater, For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	130.00
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 430	2252 215	Extension for reply within second month	
1253 980	2253 490	Extension for reply within third month	
1254 1,530	2254 765	Extension for reply within fourth month	
1255 2,080	2255 1,040	Extension for reply within fifth month	
1401 340	2401 170	Notice of Appeal	
1402 340	2402 170	Filing a brief in support of an appeal	
1403 300	2403 150	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,370	2501 685	Utility issue fee (or reissue)	
1502 490	2502 245	Design issue fee	
1503 660	2503 330	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	130.00
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 790	2809 395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 790	2810 395	For each additional invention to be examined (37 CFR 1.129(b))	
1801 790	2801 395	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)**260.00**

SUBMITTED BY

Name (Print/Type) Margaret A. Powers

Registration No. 39,804

(Complete if applicable)

Telephone (650) 298-5809

Signature

Date

October 20, 2004

Certificate of Mailing under 37 C.F.R. §1.8

I hereby certify that this is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria VA 22313-1450, Mail Stop: Missing Parts on the date below:

Typed or Printed Name: Diane D. Dunn

Date: October 20, 2004

Signature: 

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/756,813	01/12/2004	Torben Halkier	0201us622

30560
 MAXYGEN, INC.
 INTELLECTUAL PROPERTY DEPARTMENT
 515 GALVESTON DRIVE
 RED WOOD CITY, CA 94063

CONFIRMATION NO. 1688

FORMALITIES LETTER



OC000000013812608

Date Mailed: 09/16/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

10/26/2004 DEMMANU1 00000008 500990 10756813

FILED UNDER 37 CFR 1.53(b)

COPY

01 FC:1001 790.00 DA
 02 FC:1202 72.00 DA
 03 FC:1051 130.00 DA

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

The following item(s) appear to have been **omitted** from the application:

- Page(s) **74,75** of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted item(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$72** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.


SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$972** for a Large Entity

- **\$770** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$72**
 - **\$72** for **4** total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

A copy of this notice MUST be returned with the reply.



Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 2 - COPY TO BE RETURNED WITH RESPONSE